JOHN J. SANSONE, County Counsel (State Bar No. 103060)
County of San Diego
By RICKY R. SANCHEZ, Senior Deputy (State Bar No. 107559)
1600 Pacific Highway, Room 355
San Diego, California 92101-2469
Telephone: (619) 531-4874

Attorneys for Defendant Julie Smith

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN, CHILDREN'S HOSPITAL; DIANA CHASE, NURSE DEBRA DAVIES, LCSW, Defendants.	No. 07-cv-1836-JAH(JMA) NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT Date: August 18, 2008 Time: 2:30 p.m. Dept.: 11 - Courtroom of the Honorable John A. Houston Trial Date: None

TO: PLAINTIFF CARMEN POWELL, IN PRO PER:

PLEASE TAKE NOTICE that on August 18, 2008, at 2:30 p.m., or as soon thereafter as the matter may be heard, in the courtroom of the Honorable John A. Houston, United States District Judge, located at 940 Front Street, San Diego, California, defendant Julie Smith will move to dismiss plaintiff's first amended

///

complaint pursuant to Federal Rules of Civil Procedure, rule 12(b)(6) on grounds that it fails to state a claim upon which relief can be granted.

The motion will be based upon this notice, upon the accompanying memorandum of points and authorities, the documents filed under seal, the papers and pleadings on file in this action, and upon such further matters that may be submitted to the Court.

DATED: June 18, 2008

JOHN J. SANSONE, County Counsel

By: s/ RICKY R. SANCHEZ, Senior Deputy
Attorneys for Defendant Julie Smith
E-mail: ricky.sanchez@sdcounty.ca.gov

Declaration of Service

I, LAURA COMETA, declare:

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On June 18, 2008, I served the following documents: **Notice Of Motion And Motion To Dismiss Plaintiff's First Amended Complaint; Memorandum Of Points And Authorities In Support Of Motion To Dismiss Plaintiff's First Amended Complaint** in the following manner:

☐ By personally delivering copies to the person served.

☒ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

Carmen Powell
372 Bay Leaf Drive
Chula Vista, California 91910
(619) 420-4204
(619) 253-1271
(plaintiff in pro per)

☐ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Executed on June 18, 2008, at San Diego, California.

[signature]
LAURA COMETA